IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 23 OF 2004

Dilip Hastimal Parakh ..Appellant

versus

Narayan Chhabildas Bhavsar ..Respondent

Mr. P. S. Dani for the Appellant.

Mr. S. S. Kulkarni for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 5TH APRIL,2005

ORAL ORDER :

1. Heard learned counsel for the Appellant and the Respondent.

2. This Appeal is against the order of the lower court regarding attachment before judgment. Counsel for the appellant strenuously urged the manner in which and the basis upon which the claim for damages is made, is most unnatural so far as plaintiff is concerned. That may be one aspect of the matter but question is that the plaintiff has paid Rs.17 lacs to the defendant. There is agreement between them in that regard wherein an

admission is given about receipt of Rs.17 lacs. The denial of this agreement for the first time came from the appellant after nine months. Counsel for the appellant states that payment of cash amount of Rs.17 lacs in cash is inconceivable. However that issue will be decided by the court at the time of trial. So far as attachment is concerned, there is no merit in this appeal. Hence, Appeal is dismissed. No order as to costs.

5.04.2005 (D.G. DESHPANDE, J.)